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ARISTA NETWORKS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

v.

ARISTA NETWORKS, INC.,

Defendant.

Case No. 5:14-cv-05344-BLF (NC)

**STIPULATED LIMITING INSTRUCTION
RE: CHARLES GIANCARLO
TESTIMONY**

Dept.: Courtroom 3 – 5th Floor
Judge: Hon. Beth Labson Freeman

Date Filed: December 5, 2014

Trial Date: November 21, 2016

STIPULATED LIMITING JURY INSTRUCTION RE: CHARLES GIANCARLO

Before Charles Giancarlo begins his testimony, I need to provide you with some instructions regarding the purpose for which you may consider Mr. Giancarlo's testimony. During a trial, certain evidence may be admitted only for a limited purpose. Mr. Giancarlo's testimony is such evidence.

Cisco is presenting Mr. Giancarlo's testimony on Cisco's 2003 lawsuit against Huawei, which includes the introduction of the Declaration Mr. Giancarlo signed while he was employed by Cisco as part of the litigation. In considering Mr. Giancarlo's testimony, you cannot rely on the Declaration for the truth of the matters asserted in that declaration. That means that you cannot assume that the statements made in the Declaration are established facts. You may only consider the Declaration as evidence of Cisco's state of mind.

You must understand that Mr. Giancarlo had no affiliation with Arista at the time he signed the Declaration and that the Declaration was not made public until March 2016. You must not impute knowledge of the contents of the Declaration to Arista. In other words, you may not consider Mr. Giancarlo's testimony as evidence of what Arista knew or reasonably should have known at any point in time. You may only consider the Declaration in the context of what Cisco might have thought at the time of its filing.

SO STIPULATED.

Respectfully submitted,

Dated: November 29, 2016

By: /s/David Nelson

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ATTORNEY ATTESTATION

I hereby attest, pursuant to Local Rule 5-1(i)(3), that the concurrence in the filing of this document has been obtained from the signatory indicated by the “conformed” signature (/s/) of David Nelson within this e-filed document.

/s/ Robert A. Van Nest